Highly Paid Employee Awarded Overtime

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You can't make enough money to be exempt from overtime. In a surprising decision, the U.S. Supreme Court recently ruled that an employee who made over $215,000.00 per year was entitled to overtime payments. In *Helix Energy Solutions Group v. Hewitt*, the Supreme Court ruled 6-3 that Mr. Hewitt, a former employee, was eligible for overtime pay because he was paid on a daily basis, not a guaranteed salary basis. Mr. Hewitt's daily pay varied. So, regardless of the fact that he earned $248,053 in 2015 and $218,863 in 2016, Helix Energy Solutions should have been paying him overtime, per the Court. According to the Court, "salary" as used in the Fair Labor Standards Act (FLSA) "connotes a steady and predictable stream of pay" and must be paid by the week or longer period.

Why mention this decision?

- To highlight that the Court reads the FLSA regulations in a very technical way, and accordingly, employers must educate themselves about the requirements. Employers have to prove in court that employees are exempt from overtime.
- It doesn't matter if the payment is very generous. I've had a number of clients investigated for violations, even when the pay was more than fair.
- Shock value. I want to meet the attorney who agreed that Mr. Hewitt should sue and pursue overtime payments all the way to the Supreme Court.

Let me know if this raises any FLSA questions about classifying people as exempt or non-exempt and compliance with the overtime law.